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September 5, 2012

Hon. Brian Cogan
United States District Judge
United States District Court
Eastern District of New York

2nd AMENDED REQUEST FOR ENLARGMENT OF TIME
ECF FILING
98-CR-1101

Dear Judge Cogan:

On August 29, 2012, pursuant to FRCP 6(b)(1)(A), for good cause I requested a “precautionary” enlargement of time through and including September 14, 2012 in which to ask relief from this court’s August 16, 2012 order granting Wilson Elser leave to permissively withdraw. FRCP and caselaw provide that such a request, when made before expiration of the current time period, may be by letter, not motion.

As the court has not yet addressed my request, and because of Judge Glasser’s order yesterday on related docket 12-MC-150, I amend my request so the enlargement will extend through and including September 21, 2012. Wilson Elser has consented.

On August 21, 2012, without the legal or ethical authority to do so, Coleen Middleton, an attorney at Wilson Elser not authorized to represent me and in fact directed not to do so and particularly not to do so in any filing with any court unless she made clear she was acting *ultra vires*, filed a “letter application” seeking leave for Wilson Elser to permissively withdraw from 12-MC-150.

The following week, Richard Lerner, my now and always sole attorney of record, rendered that request nugatory, though it was already a nullity *ab initio*, by filing a confirmation that he was attorney of record.

In response, Judge Glasser, presiding over 12-MC-150, yesterday *sua sponte* ordered the parties to make factual submission and legal argument clarifying the situation no later than September 21. Exh. 1.

As the issues Judge Glasser ordered briefed, chiefly that only attorney of record himself, personally, may request leave to withdraw (and in any event may always reappear), substantially overlap the issues on the contemplated reconsideration, for reasons of judicial economy I ask that the time for filing my request for relief, to the extent, if at all, governed by other than FRCP 60, be enlarged as a precaution to be co-extensive with the filings to be made in 12-MC-150.

Yours, etc.



Frederick M. Oberlander